

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA**

<b>LORETTA O. BURKS,</b>	)	
	)	
<b>PLAINTIFF,</b>	)	
	)	<b>CIVIL ACTION NO.: 3:06-cv-383</b>
<b>VS.</b>	)	
	)	
<b>VANNA DUONG; VANNA'S FOOD</b>	)	
<b>MANAGEMENT, INC., d/b/a HUDDLE</b>	)	
<b>HOUSE</b>	)	
	)	
<b>DEFENDANTS.</b>	)	

**FIRST AMENDED COMPLAINT**

Comes Now the plaintiff, Loretta O. Burks, and hereby amends the original complaint as follows:

**ADDITIONAL PARTY DEFENDANT**

. Vanna's Food Management, Inc., d/b/a Huddle House is hereby added as a defendant to this action.

**COMPLAINT**

1. Plaintiff is an adult resident of Randolph County, Alabama.
2. Defendant Vanna Duong is an individual resident of the state of Georgia.
3. Defendant Vanna's Food Management, Inc., d/b/a Huddle House is a Georgia corporation doing business by agent in the State of Alabama.
4. On April 17, 2005, Defendants owned and operated the Huddle House restaurant located at 3106 U.S. Highway 431, Roanoke, Alabama. At said time and place, Plaintiff was a business invitee at said restaurant. As she was walking along the sidewalk after daylight approaching the front door of the restaurant, plaintiff fell and was seriously injured.
5. At said time and place, the premises owned and operated by Defendants was not reasonably safe and was maintained by Defendants in an unsafe condition. Specifically, the sidewalk changed elevation suddenly and this elevation change was not apparent to the public. The area was not lighted appropriately and the sidewalk was not painted so as to make the change in elevation noticeable. The unsafe condition of the premises and the negligence of

Defendants proximately caused Plaintiff to fall..

6. The negligence of Defendants combined and concurred to cause Plaintiff's injuries and damages.

7. As a direct result of the negligence of Defendants, plaintiff was injured and damaged as follows: her chest, head, mouth and body were bruised, contused and otherwise injured; her teeth were broken and fractured in numerous places; her mouth was lacerated; her back was injured; she was made sick and sore; her ability to eat and walk has been permanently impaired; she has suffered severe pain and mental anguish and will continue to do so in the future; her ability to pursue her normal activities was impaired and will continue to be impaired in the future; she has incurred considerable medical expenses and will continue to incur same in the future; she has been permanently injured; and has been otherwise injured and damaged.

WHEREFORE, Plaintiff demands judgement against Defendants in an amount to be determined by a jury.

Respectfully Submitted,

/s/James H. Starnes

James H. Starnes, Attorney for Plaintiff

**OF COUNSEL:**

P. O. Box 590003

Birmingham, AL 35259-0003

(205) 320-0800

**CERTIFICATE OF SERVICE**

I hereby certify that I have the foregoing pleading electronically using the CM/ECF system which will electronically serve a copy of same on all counsel of record on this the 22nd day of August, 2006 as follows:

S. Sanford Holliday

P. O. Box 727

Roanoke, AL 36274

Robert B. Stewart  
SMITH, SPIRES & PEDDY, P.C.  
2015 Second Avenue Nort, Suite 200  
Birmingham, AL 35203

/s/James H. Starnes  
OF COUNSEL